

## SERGEANT CHARLES WALL 6/23/2020

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1	IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION 3 MEGAN ELLYIA GREEN, ) 4 Plaintiff, ) 5 vs. )Cause No. 4:18-CV-01629-JCH 6 CITY OF SAINT LOUIS, MISSOURI, ) 7 ET AL., ) 8 Defendants. ) 9 10 11 VIDEOTAPED DEPOSITION OF SERGEANT CHARLES WALL 12 13 14 Taken on behalf of Plaintiff 15 June 23, 2020 16 17 18 ALARIS LITIGATION SERVICES 19 711 N. 11TH STREET ST. LOUIS, MO 63101 (314) 644-2191 20 21 22 23 24 25	1 Exhibit 33 .....64 Screen Shot 2 Exhibit 34 .....65 Video 3 Exhibit 35 .....66 Screen Shot 5 Exhibit 36 .....68 6 Screen Shot 7 Exhibit 37 .....68 Screen Shot 8 Exhibit 38 .....69 Screen Shot 10 Exhibit 39 .....70 Screen Shot 11 Exhibit 40 .....71 Screen Shot 13 Exhibit 41 .....72 Screen Shot 14 Exhibit 42 .....73 Screen Shot 16 Exhibit 43 .....73 Screen Shot 17 Exhibit 44 .....77 Screen Shot 19 Exhibit 45 .....78 Screen Shot 20 Exhibit 46 .....78 Screen Shot 22 Exhibit 47 .....80 Screen Shot 23 Exhibit 48 .....90 Screen Shot 24 25
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<p>1      Exhibit 15 .....67 2              Video</p> <p>3      Exhibit 16 .....54 4              Video</p> <p>4      Exhibit 17 .....74 5              Video</p> <p>6      Exhibit 19 .....98 7              Video</p> <p>7      Exhibit 21 .....112 8              Spreadsheet</p> <p>8      Exhibit 22 .....114 9              Spreadsheet</p> <p>10     The exhibits were attached to the transcript. Exhibits 11     12, 20, and 34 were retained.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>		<p>1              APPEARANCES</p> <p>2              FOR THE PLAINTIFF VIA VIDEOCONFERENCE:</p> <p>3              JAMES R. WYRSCH 4              KIARA N. DRAKE 5              Khazaeli Wyrsh LLC 6              911 Washington Avenue, Suite 211 7              St. Louis, MO 63101 8              (314) 288-0777 9              james.wyrsch@kwlawstl.com</p> <p>10     FOR THE DEFENDANTS VIA VIDEOCONFERENCE:</p> <p>11     BRANDON LAIRD 12     Assistant City Counselor 13     1200 Market Street, Room 314 14     St. Louis, MO 63103 15     (314) 622-3361 16     lairdb@stlouis-mo.gov</p> <p>17     VIDEOPHOTOGRAPHER VIA VIDEOCONFERENCE:</p> <p>18     JOHN NIEHAUS 19     GENE MILLER 20     Alaris Litigation Services</p> <p>21     REPORTED BY:</p> <p>22     REBECCA L. TUGGLE, RPR, CCR, CSR 23     Alaris Litigation Services</p> <p>24</p> <p>25</p>
<p>1      IN THE UNITED STATES DISTRICT COURT 2              EASTERN DISTRICT OF MISSOURI 3              EASTERN DIVISION 4      MEGAN ELLYIA GREEN, ) 5              ) 6      Plaintiff, ) 7              ) 8      vs. )Cause No. 4:18-CV-01629-JCH 9              ) 10     CITY OF SAINT LOUIS, MISSOURI, ) 11     ET AL., ) 12     Defendants. )</p> <p>13     VIDEOTAPED DEPOSITION OF SERGEANT CHARLES 14     WALL, produced, sworn, and examined on behalf of the 15     Plaintiff, June 23, 2020, between the hours of eight 16     o'clock in the forenoon and five o'clock in the 17     afternoon on that day, Alaris Litigation Services, 711 18     N. 11th Street, St. Louis, Missouri 63101, before 19     Rebecca L. Tuggle, a Registered Professional Reporter, 20     Certified Court Reporter, and Certified Shorthand 21     Reporter within and for the State of Missouri.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 6	<p>1      VIDEOPHOTOGRAPHER: We're on the record. Today's 2     date is June 23, 2020, and the time is approximately 3     9:06 a.m. This is the video-recorded deposition of 4     Sergeant Charles Wall, in the matter of Megan Elyia 5     Green verse City of St. Louis, Missouri, et al., Case 6     Number 4:18-CV-01629-JCH, in the United States 7     District Court, Eastern District of Missouri, Eastern 8     Division.</p> <p>9     This deposition is being held at Alaris 10    Litigation in St. Louis, Missouri. The reporter's 11    name is Rebecca Tuggle. My name is John Niehaus. I'm 12    the legal videographer. We are with Alaris Litigation 13    Services.</p> <p>14    Will counsel please introduce yourself for 15    the record.</p> <p>16    MR. WYRSCH: James Wyrsh for the plaintiff. 17    MS. DRAKE: Kiara Drake for plaintiff. 18    MR. LAIRD: Brandon Laird for defendants.</p> <p>19    VIDEOPHOTOGRAPHER: Will you please swear in the 20    witness.</p> <p>21    IT IS STIPULATED AND AGREED by and between 22    counsel for the Plaintiff and counsel for the 23    Defendants that the videotaped deposition of SERGEANT 24    CHARLES WALL may be taken in shorthand by Rebecca L. 25    Tuggle, a Registered Professional Reporter, Certified</p>

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<p>1     <b>interrogatory number 3?</b></p> <p>2     A   Not really. There are individuals that</p> <p>3     we've effectively been able to rule out.</p> <p>4     <b>Q   Okay.</b></p> <p>5     A   But no.</p> <p>6     <b>Q   All right. Before we go to that, earlier</b></p> <p>7     <b>you mentioned that you may have taken notes of your</b></p> <p>8     <b>conversations with the various persons you interviewed</b></p> <p>9     <b>in preparation for this deposition.</b></p> <p>10    <b>Did you review any of those notes to prepare</b></p> <p>11    <b>for the deposition?</b></p> <p>12    A   I mean, I -- as it relates to this specific</p> <p>13    topic, like I said, I can't recall if I took any</p> <p>14    notes. In the days leading up to this, I haven't</p> <p>15    reviewed any notes as it relates to this topic.</p> <p>16    <b>Q   Okay. The -- so who -- who have you been</b></p> <p>17    <b>able to rule out?</b></p> <p>18    A   So Lieutenant Tim Sachs and then Sergeant</p> <p>19    Cliff Sommer, Sergeant John Jones, and Sergeant</p> <p>20    Michael Scego apparently at no time during this time</p> <p>21    were they on the BEAR.</p> <p>22    <b>Q   Okay. And what are you basing -- let's</b></p> <p>23    <b>start with Sachs. What are you basing that on?</b></p> <p>24    A   Conversations that I've had with him.</p> <p>25    <b>Q   Okay. Did anyone else confirm that he was</b></p>	<p>1     didn't believe that he would have been on the BEAR.</p> <p>2     <b>Q   What -- what -- what did -- what was -- what</b></p> <p>3     <b>was his -- I mean, what was that basis for? Why --</b></p> <p>4     <b>why did he believe he was not there based on the</b></p> <p>5     <b>video?</b></p> <p>6     A   I don't know. That was just --</p> <p>7     <b>Q   Let me ask you this. Do -- do you remember</b></p> <p>8     <b>video you're referring to?</b></p> <p>9     A   Yes.</p> <p>10    <b>Q   Which video?</b></p> <p>11    A   It's a video from the intersection of</p> <p>12    Lindell and York.</p> <p>13    <b>Q   This is one of the Real Time Crime Center</b></p> <p>14    <b>cameras?</b></p> <p>15    A   Correct.</p> <p>16    <b>Q   Okay. And it's the video -- when you see --</b></p> <p>17    <b>is it the video where you see the BEAR come into frame</b></p> <p>18    <b>and you see chemical munitions?</b></p> <p>19    A   That's what appears to be happening, yes,</p> <p>20    next to a red pickup truck parked at the curb.</p> <p>21    <b>Q   Okay. So what about seeing that suggested</b></p> <p>22    <b>to Officer Flatley that he wasn't there?</b></p> <p>23    A   I -- I don't know. That's just what he</p> <p>24    indicated after seeing the video --</p> <p>25    <b>Q   Okay.</b></p>
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<p>1     <b>not on the BEAR?</b></p> <p>2     A   Essentially in speaking with the supervisors</p> <p>3     of the SWAT unit, it would be -- it was their</p> <p>4     recollection that at no time were any of those</p> <p>5     individuals on the BEAR, and then they said it would</p> <p>6     not be normal for any of those individuals to be on</p> <p>7     the BEAR.</p> <p>8     <b>Q   And I apologize. Cliff Sommers, he also a</b></p> <p>9     <b>sergeant?</b></p> <p>10    A   He is.</p> <p>11    <b>Q   So the only people we've been able to rule</b></p> <p>12    <b>out are the four supervisors?</b></p> <p>13    A   And then Officer Aaron Mueller assigned to</p> <p>14    SWAT, he apparently has another vehicle assigned to</p> <p>15    him that he most likely would have been utilizing and</p> <p>16    not had been on the BEAR at that point in time.</p> <p>17    And then it's also Officer -- and his first</p> <p>18    name is escaping me -- but Officer Flatley, in going</p> <p>19    over some of the video, he indicated that he did not</p> <p>20    believe that he was present on the BEAR at that time</p> <p>21    either.</p> <p>22    <b>Q   What do -- what do you mean by -- by going</b></p> <p>23    <b>over the video? Did he see himself in the video?</b></p> <p>24    A   No. It was a video of the BEAR. Just the</p> <p>25    BEAR at a location and time, and at that time, he</p>	<p>1     A   -- that he didn't believe that he was on the</p> <p>2     BEAR at that time.</p> <p>3     <b>Q   Is there anything else to corroborate that</b></p> <p>4     <b>other than his belief?</b></p> <p>5     A   I don't believe so.</p> <p>6     <b>Q   What is the other vehicle that Officer</b></p> <p>7     <b>Mueller would have been utilizing?</b></p> <p>8     A   So there is a -- SWAT calls it a gas truck.</p> <p>9     I believe it's a -- some type of pickup truck. I</p> <p>10    don't know the make and model. But it has an enclosed</p> <p>11    camper and they keep some of their -- it's my</p> <p>12    understanding their -- their less lethal munitions in</p> <p>13    that vehicle, and that Officer Mueller is assigned</p> <p>14    that vehicle and tasked with the responsibilities of</p> <p>15    that vehicle.</p> <p>16    <b>Q   Does he drive that vehicle?</b></p> <p>17    A   Yes.</p> <p>18    <b>Q   Do you see that vehicle in any of the</b></p> <p>19    <b>videos?</b></p> <p>20    A   I -- I may have seen a similar vehicle in</p> <p>21    some of the various video I have available to me, but</p> <p>22    as it relates to this incident and -- and that area of</p> <p>23    Lindell and York, I do not.</p> <p>24    <b>Q   Okay. And other than Officer -- and is that</b></p> <p>25    <b>coming from Officer Mueller, that he -- he claims that</b></p>

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<p>1      <b>he was in charge of that truck?</b></p> <p>2      A    I believe that Sergeant Jones and Sergeant</p> <p>3      Sommer indicated such and Officer Mueller indicated</p> <p>4      that as well, yes.</p> <p>5      Q    Okay. And if I understand correctly, and</p> <p>6      correct me if I'm wrong, the idea is that he would</p> <p>7      never have been in the BEAR because his job was to be</p> <p>8      on the gas truck?</p> <p>9      A    That's my understanding, yes.</p> <p>10     (Exhibit 5, Ops Plan, was marked in a</p> <p>11     previous deposition and now identified</p> <p>12     for the record.)</p> <p>13     Q    (By Mr. Wyrsc) All right. So turning to –</p> <p>14     I'm going to show you what's previously been marked as</p> <p>15     Exhibit Number 5. This is just – we're continuing</p> <p>16     the numbering from the previous depositions.</p> <p>17     Can you see Exhibit 5?</p> <p>18     A    Yes.</p> <p>19     Q    Okay. This is, I'll represent to you, a</p> <p>20     extract from the ops plan. Do you recognize that?</p> <p>21     A    I do.</p> <p>22     Q    So on the first page of Exhibit 5 on the</p> <p>23     bottom, you see mobile reserve SWAT, Sachs, Sommer,</p> <p>24     Jones, and Scego, the ones that you just talked about?</p> <p>25     A    Correct.</p>	<p>1      he was not in the BEAR. I don't have anything to</p> <p>2      confirm or deny that.</p> <p>3      Q    Okay. So as a representative of the City,</p> <p>4      you don't take a position on that?</p> <p>5      A    Yeah, that's just what he indicated to me,</p> <p>6      and I – I don't have anything to contradict that.</p> <p>7      Q    Okay. So – and you spoke to all the other</p> <p>8      members of mobile reserve SWAT?</p> <p>9      A    Either I did, myself, or I seem to recall</p> <p>10     that there may have been one meeting with one or more</p> <p>11     of the officers that I was not able to personally</p> <p>12     attend, but then the information that was relayed to</p> <p>13     the City Counselor's Office was relayed to me.</p> <p>14     Q    Okay. And so of all those other people,</p> <p>15     given that Officer Flatley affirmatively stated that</p> <p>16     he didn't think he was in the BEAR, did the other ones</p> <p>17     not remember? Do they not – what was their position</p> <p>18     on whether they were in the BEAR?</p> <p>19     A    Essentially -- so the BEAR is -- I guess to</p> <p>20     compare it to like a U-Haul truck. There's really --</p> <p>21     unless they turn the lighting on, which typically for</p> <p>22     tactical reasons they do not, it's a big, dark box.</p> <p>23     And so the officers essentially couldn't recall --</p> <p>24     they all conceded that at some point, they were most</p> <p>25     likely on the BEAR. But they couldn't definitively</p>
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<p>1      Q    And – and – and just for this particular</p> <p>2      record, this is a list of all of the members of the</p> <p>3      reserve SWAT who were assigned to the civil</p> <p>4      disobedience response operations for the weekend of</p> <p>5      September 15th; is that correct?</p> <p>6      A    I believe so, yes.</p> <p>7      Q    So on the second page, we've got one, two,</p> <p>8      three, four, five, six – a number of names of – of</p> <p>9      other – other members of SWAT. Do – first, do you</p> <p>10     know sitting here today which of these offers were on</p> <p>11     duty the night of September 15th in the Central West</p> <p>12     End?</p> <p>13     A    So it appears Lance Coats is listed twice</p> <p>14     for some reason, but it's my understanding that all of</p> <p>15     the individuals listed were working.</p> <p>16     Q    And so you – aside from the three sergeants</p> <p>17     and lieutenant, you – you have confirmed to your</p> <p>18     satisfaction that Officers Flatley and – Mueller or</p> <p>19     Miller? I'm sorry.</p> <p>20     A    I believe it's Aaron Mueller, M-u-e-l-l-e-r.</p> <p>21     Q    You confirmed – you confirmed to your</p> <p>22     satisfaction or to the City's satisfaction that those</p> <p>23     two gentlemen were not in the BEAR; correct?</p> <p>24     A    I think it would be more accurate to say</p> <p>25     that as it relates to Flatley, that he indicated that</p>	<p>1      say when and where just because of the, I guess,</p> <p>2      dynamics of that evening.</p> <p>3      Q    Okay. And – and did you show them the</p> <p>4      video of the – the Lindell and York intersection?</p> <p>5      A    Yes.</p> <p>6      Q    Each and every one of them?</p> <p>7      A    Yes.</p> <p>8      Q    And that – that didn't trigger their</p> <p>9      memories?</p> <p>10     A    No.</p> <p>11     Q    So the City's position is that all of these</p> <p>12     people, except for – and when I'm talking about these</p> <p>13     people, I mean the people on page 2 –</p> <p>14     A    Yes.</p> <p>15     Q    – of mobile SWAT reserve – may – were on</p> <p>16     the BEAR at some point that evening or may have?</p> <p>17     A    May have been.</p> <p>18     Q    Other than Mueller and Flatley?</p> <p>19     A    I guess as it relates to that incident at</p> <p>20     Lindell and York, yes. Other than Mueller and Flatley</p> <p>21     indicated that he didn't believe he was.</p> <p>22     Q    Okay. Do any of them specifically confirm</p> <p>23     that they were on the BEAR at some point that evening?</p> <p>24     A    Many of them said that they were on the BEAR</p> <p>25     at -- at various points that evening, yes.</p>

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<p>1       <b>Q Who?</b></p> <p>2       A I believe Manasco, Moore, I think Flatley</p> <p>3       indicated that he was on the BEAR at other points.</p> <p>4       Wurm, Frigerio, Zwilling, Long, Boyce, certainly</p> <p>5       Blackmon. Those are -- those are ones that I</p> <p>6       specifically am recalling now that -- that said that,</p> <p>7       yes, they were absolutely on the BEAR at some point,</p> <p>8       but they could not confirm whether or not they were on</p> <p>9       the BEAR at that video at Lindell and York.</p> <p>10      <b>Q Okay. Did you speak with Joe Calabro?</b></p> <p>11      A I know I have and I can't recall -- I don't</p> <p>12       believe that he indicated -- I don't know -- I can't</p> <p>13       recall if he indicated -- I know that it was his task</p> <p>14       to be in the BEAR, but I don't believe that he was in</p> <p>15       the BEAR for this incident at Lindell and York.</p> <p>16      <b>Q Was he on the BEAR on the night of the 15th?</b></p> <p>17      A I believe at various points he was, yes.</p> <p>18      <b>Q And what do you -- what are you basing your belief -- and, again, you're testifying on behalf of the City. So what are you basing the belief that he was not in there at the incident at Lindell and York?</b></p> <p>19      A I believe that he relayed that to someone</p> <p>20       with the City Counselor's Office and it was then</p> <p>21       relayed to me.</p> <p>22      <b>Q Anything else to corroborate that beyond his</b></p>	<p>1       in a previous deposition and now</p> <p>2       identified for the record.)</p> <p>3       <b>Q (By Mr. Wyrsc) Okay. Is there -- well --</b></p> <p>4       <b>okay. I'm going to show you what we've marked as Exhibit Number 7. Do you see that?</b></p> <p>5       A Yes.</p> <p>6       <b>Q Do you recognize this document?</b></p> <p>7       A It's a police report from the evening of the</p> <p>8       15th of September 2017.</p> <p>9       <b>Q Okay. And that's the evening that we're talking about here?</b></p> <p>10      A Yes.</p> <p>11      <b>Q I'm scrolling down to the narrative at page City 000622, the bottom of that page. You just want to take some time to read through that and then the next page is 000623.</b></p> <p>12      Let me back and I'll show you the entire page.</p> <p>13      A Okay. And then you wanted me to look at the</p> <p>14       next page?</p> <p>15      <b>Q Yep.</b></p> <p>16      A Okay.</p> <p>17      <b>Q And then the last page, 000624.</b></p> <p>18      A Okay.</p> <p>19      <b>Q All right. So just from your review of the</b></p>
<p style="text-align: center;">Page 22</p> <p>1       <b>statements?</b></p> <p>2       A Beyond his statements, I don't believe so.</p> <p>3       I don't -- I -- I don't think that Officer Blackmon,</p> <p>4       who was driving, could recall whether or not he was</p> <p>5       with him at that point.</p> <p>6       <b>Q But what -- okay. And -- and were any of</b></p> <p>7       <b>them asked about the dispersal of chemical munitions</b></p> <p>8       <b>from the BEAR that evening?</b></p> <p>9       A Yes.</p> <p>10      <b>Q And did anyone recall chemical munitions</b></p> <p>11       <b>being dispersed?</b></p> <p>12      A Not at that -- I mean, they -- essentially</p> <p>13       they said that it appeared that chemical munitions</p> <p>14       were being dispersed from the BEAR at that point, but</p> <p>15       no one recalled being involved in that.</p> <p>16      <b>Q And you -- and you showed each of them the</b></p> <p>17       <b>video at York and Lindell and none of them could</b></p> <p>18       <b>recall being involved in that particular situation?</b></p> <p>19      A Correct. Correct.</p> <p>20      <b>Q But to be clear, other than Officer Mueller</b></p> <p>21       <b>and Officer Flatley, none of them deny being there?</b></p> <p>22      A Essentially they indicated that they</p> <p>23       couldn't confirm that they were there or deny that</p> <p>24       they weren't there.</p> <p>25      (Exhibit 7, Police Report, was marked</p>	<p style="text-align: center;">Page 24</p> <p>1       <b>videos, the -- the incident that's captured on York</b></p> <p>2       <b>and Lindell -- the camera at York and Lindell, this</b></p> <p>3       <b>was -- am I correct that this was following -- right</b></p> <p>4       <b>here in this kind of area, there's a description of</b></p> <p>5       <b>the North Patrol and South Patrol CDT teams moving</b></p> <p>6       <b>south on Euclid.</b></p> <p>7       Then there's the protest group continued</p> <p>8       south across Maryland and there's a mention of some</p> <p>9       chemical being sprayed and then the shots fired in the</p> <p>10       south alley at Lindell, that -- that all is kind of</p> <p>11       right before the incident at York and Lindell; is that</p> <p>12       right?</p> <p>13      A That's my understanding, yes.</p> <p>14      <b>Q Okay. And then some -- and here it says</b></p> <p>15       <b>these actions again required the deployment of</b></p> <p>16       <b>chemical munitions to force their retreat and</b></p> <p>17       <b>ultimately dispersal of the protesters; right?</b></p> <p>18      A Yes.</p> <p>19      <b>Q Then none of the -- nowhere in the police</b></p> <p>20       <b>report is there -- did they identify who deployed</b></p> <p>21       <b>chemical munitions at that point?</b></p> <p>22      A No.</p> <p>23      <b>Q Okay. And -- and I don't want to get too</b></p> <p>24       <b>far into this, but according to your use of force</b></p> <p>25       <b>policy, you're supposed to document when you use</b></p>

6 (Pages 21 to 24)

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